

***Case No COMP/M.3200 -  
TOSHIBA /  
MITSUBISHI  
ELECTRIC / JV***

Only the English text is available and authentic.

**REGULATION (EEC) No 4064/89  
MERGER PROCEDURE**

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Article 6(1)(b) NON-OPPOSITION  
Date: 17/09/2003

*Also available in the CELEX database  
Document No 303M3200*



COMMISSION OF THE EUROPEAN COMMUNITIES

Brussels, 17/09/2003

SG (2003)D/231827

PUBLIC VERSION

MERGER PROCEDURE  
ARTICLE 6(1)(b) DECISION

SIMPLIFIED PROCEDURE

**To the Notifying Parties**

Dear Madam(s) and/or Sir(s),

**Subject: Case No COMP/M.3200 – TOSHIBA/ MITSUBISHI ELECTRIC/ JV  
Notification of 18 August 2003 pursuant to Article 4 of Council Regulation  
(EEC) No. 4064/89  
Publication in the Official Journal of the European Union No. C 202 on the  
27/08/2003.**

1. On 18 August 2003, the Commission received a notification of a proposed concentration pursuant to Article 4 of Council Regulation (EEC) No 4064/89<sup>1</sup>, as last amended by Regulation (EC) No 1310/97<sup>2</sup>, by which the Japanese undertakings Toshiba Corporation (“Toshiba”) and Mitsubishi Electric Corporation (“Mitsubishi Electric”) acquire within the meaning of Article 3(1)(b) of the Council Regulation joint control of Toshiba Mitsubishi-Electric Industrial Systems Corporation (“JV”) by way of purchase of shares in a newly created company constituting a joint venture.

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<sup>1</sup> OJ L 395, 30.12.1989 p. 1; corrigendum: OJ L 257, 21.9.1990, p. 13.

<sup>2</sup> OJ L 180, 9. 7. 1997, p. 1; corrigendum OJ L 40, 13.2.1998, p. 17.

2. The business activities of the undertakings concerned are :
- for undertaking Toshiba: integrated manufacturer of a wide range of electrical and electronic products
  - for undertaking Mitsubishi Electric: manufacture, marketing and sale of electrical and electronic equipment, consumer electronics, industrial technology, energy, transportation and building equipment
  - for undertaking JV: electric and automation systems for industrial manufacturing plants
3. After examination of the notification, the Commission has concluded that the notified operation falls within the scope of Council Regulation (EEC) No. 4064/89 and of paragraph 4, subparagraph b of the Commission Notice on a simplified procedure for treatment of certain concentrations under Council Regulation (EEC) No 4064/893.
4. For the reasons set out in the Notice on a simplified procedure, the Commission has decided not to oppose the notified operation and to declare it compatible with the common market and with the EEA Agreement. This decision is adopted in application of Article 6(1)(b) of Council Regulation (EEC) No. 4064/89.

For the Commission

*(signed)*  
Mario MONTI  
Member of the Commission

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<sup>3</sup> OJ C 217, 29.07.2000, p. 32.